IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

Crl.MC.No. 118 of 2007()

CC.289/2002 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, THRISSUR
CRIME NO.467/2000 OF THRISSUR EAST POLICE STATION

.....

PETITIONERS/ACCUSED & DEFACTO COMPLAINANT:

---

1. AJI KURIAKOSE, S/O.KURIAKOSE,
MURINGATHERI HOUSE,
KUNDANNOOR, WADAKKANCHERRY,
THRISSUR DISTRICT.

2. THANKAMANI PAUL,
W/O.PAUL,
ARIMBOOR HOUSE,
PARAVATTANY,
THRISSUR-5.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE:

THE STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
THRISSUR EAST POLICE STATION - THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.118 of 2007

Dated this the 15th day of January 2007

O R D E R

The first petitioner, a young person, aged about 26 years is the accused in a prosecution interalia under Sections 448, 427 and 506(1) I.P.C which is initiated against him by the second petitioner, the defacto complainant, his mother-in-law. Cognizance has been taken by the learned Magistrate on the basis of a final report submitted by the police. The police had commenced investigation on the basis of a F.I.statement lodged by the second petitioner. There was some matrimonial dispute and it is submitted by both the petitioners now that the matter is settled between the parties amicably. In fact, the incident arose when the first petitioner had gone to the parental house of his wife to see his wife. It was there that the alleged incident took place. The parties had settled their disputes. The first petitioner and his wife are living together. Harmonious settlement of the matrimonial dispute having been reached, a joint request is made that the prosecution against the first petitioner on the basis of the final report may be quashed. One of the offences alleged - under Section 294(b) I.P.C is not compoundable. The learned counsel for both petitioners relying on the decision of

B.S.Joshi vs. State of Haryana [AIR 2003 SC 1386] prays that an indulgent and lenient view may be taken to prematurely terminate the proceedings against the first petitioner since all the disputes having been settled.

2. The offence under Section 294(b) is not compoundable. But notwithstanding the fact that the offence is not compoundable, I am satisfied that in view of the settlement of the matrimonial dispute and the entire disputes between the parties having its foundation on such matrimonial dispute, a lenient view can be taken and the proceedings can be quashed notwithstanding the fact that one of the offence is not compoundable. Considering the peculiar facts of the case and the nature of the allegations raised, I am satisfied that such a course can be followed.

3. In the result, this Criminal Miscellaneous Case is allowed. C.C.No.289/2002 pending before the J.F.C.M-I, Thrissur arising from Crime No.467/2000 of the Thrissur East Police Station is hereby quashed. Needless to say, proceedings if any under Section 446 Cr.P.C will have to be separately disposed of on merits.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006